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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 15-00347 JST
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER TO CONTINUE HEARING DATE
vs.)	TO FEBRUARY 12, 2016 AND TO
)	EXCLUDE TIME UNDER THE SPEEDY
)	TRIAL ACT
JESSE LEE ZEIGLER, JR.,)	
)	
Defendant.)	Hearing Date: December 11, 2015
)	Time: 9:30 a.m.

The above-captioned matter is set on December 11, 2015 before this Honorable Court for a status hearing. The parties jointly request that the Court continue this matter to February 12, 2016, at 9:30 a.m., and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. § 3161, between December 11, 2015 and February 12, 2016.

On September 17, 2015, the government filed a superseding indictment charging Mr. Zeigler with robbery affecting interstate commerce and with being a felon in possession of firearms and ammunition, with armed career criminal penalties alleged.

On November 17, 2015, the government produced supplemental discovery to the defense,

1 which included search warrant results for two cell phones recovered in this case and DNA test
2 results. The defense needs additional time to review this new discovery and to discuss it with
3 Mr. Zeigler. In addition, defense counsel needs time to investigate and to research the commerce
4 element for the robbery charge and to research the government's armed career criminal allegation
5 in the superseding indictment. Finally, counsel for Mr. Zeigler is out of town and unavailable on
6 December 11, 2015.

7 As a result, counsel for Mr. Zeigler needs additional time to review the discovery and to
8 research and to investigate the case. For these reasons, the defense requests additional time to
9 prepare, and the parties agree that it is appropriate to continue this case until February 12, 2016.

10 The parties stipulate and agree that the ends of justice served by this continuance
11 outweigh the best interest of the public and the defendant in a speedy trial. The parties further
12 agree that the failure to grant this continuance would unreasonably deny counsel for defendant
13 the reasonable time necessary for effective preparation, taking into account the exercise of due
14 diligence. Accordingly, the parties agree that the period of time from December 11, 2015 until
15 February 12, 2016, should be excluded in accordance with the provisions of the Speedy Trial
16 Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), for effective preparation of defense counsel, taking
17 into account the exercise of due diligence.

1 DATED: December 3, 2015

/S/
BRIGID S. MARTIN
Assistant United States Attorney

2
3 DATED: December 3, 2015

/S/
ANGELA MILELLA HANSEN
Assistant Federal Public Defender

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby finds:

1. Given that defense counsel needs additional time to review discovery that was produced on November 17, 2015;

2. Given that the defense needs additional time to discuss this case and the evidence with defendant and to research and to investigate the charges;

3. Given that these above-listed tasks are necessary for the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence;

4. Given that the ends of justice served by this continuance outweigh the best interest of the public and defendant in a speedy trial;

Based on these findings, it is hereby ordered that the status hearing date of December 11, 2015, scheduled at 9:30 a.m., is vacated and reset for status on February 12, 2016, at 9:30 a.m. It is further ordered that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), from December 3, 2015 through February 12, 2016.

DATED: December 4, 2015

